REMARKS:

Claims 13-46 are currently pending in the application. Claims 1-12 have been previously cancelled without prejudice. Claims 13, 15-18, 21-23, 24, 26-29, 32-34, 35, 37-40, and 43-46 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,861,885 to Strasnick et al. ("Strasnick") in view of U.S. Patent No. 6,628,312 to Rao et al. ("Rao"). Claims 14, 19-20, 25, 30-31, 36, and 41-42 stand rejected under 35 U.S.C. § 103(a) over Strasnick in view of Rao. Claims 22, 33, and 44 are amended to correct certain typographical errors.

Although the Applicants believe claims 13-46 are directed to patentable subject matter and are in condition for allowance without amendment. The Applicants have amended claims 22, 33, and 44 to correct certain typographical errors and to more particularly point out and distinctly claim the Applicants invention. No new matter has been added.

REJECTION UNDER 35 U.S.C. § 103(a):

Claims 13, 15-18, 21-23, 24, 26-29, 32-34, 35, 37-40, and 43-46 stand rejected under 35 U.S.C. § 103(a) over Strasnick in view of Rao. Claims 14, 19-20, 25, 30-31, 36, and 41-42 stand rejected under 35 U.S.C. § 103(a) over Strasnick in view of Rao.

The Applicants respectfully submit that Strasnick or Rao either individually or in combination, fail to disclose, teach, or suggest each and every element of claims 13-46. Thus, the Applicants respectfully traverse the Examiners obvious rejection of claims 1-46 under 35 U.S.C. § 103(a) over the proposed combination of Strasnick and Rao either individually or in combination.

For example, with respect to independent claim 13, this claim recites:

A system for displaying graphical information related to a supply chain, comprising:

a database operable to store data associated with the supply chain; and

a graphical user interface (GUI) coupled to the database and operable to:

display a graph comprising a plurality of axes, a first supply chain data axis being associated with a first dimension of the supply chain data, the first supply chain data axis comprising one or more predetermined positions along the axis each relating a member at the predetermined position along the axis to corresponding supply chain data in the graph at the predetermined position along the axis, the first dimension for the first supply chain data axis being associated with a first predetermined hierarchical arrangement of supply chain data for the first dimension comprising:

a plurality of levels each comprising one or more members, the plurality of levels comprising a first level comprising a plurality of members arranged in a predetermined manner with respect to the first supply chain data axis, such that in response to selection of the first level each member of the first level is located at a corresponding first predetermined position along the axis and is related via its corresponding first predetermined position along the axis to its corresponding supply chain data in the graph, and a second level comprising a plurality of members arranged in a second predetermined manner with respect to the first supply chain data axis, such that in response to selection of the second level each member of the second level is located at a corresponding second predetermined position along the axis and is related via its corresponding second predetermined position along the axis to its corresponding supply chain data in the graph; and

a parent member in the first level being related to one or more child members in the second level through a predetermined hierarchical relationship such that supply chain data for the parent member in the first level represents an aggregation of supply chain data for the one or more related child members in the second level and such that supply chain data for the one or more related child members in the second level represents a disaggregation of supply chain data for the parent member in the first level;

in response to selection of the first level for display of supply chain data with respect to the first supply chain data axis:

display with respect to the first supply chain data axis the one or more members of the first level in the first predetermined manner, each member of the first level being located at its corresponding first predetermined position along the first supply chain data axis and being related via its corresponding first predetermined position along the axis to its corresponding supply chain data in the graph; and

display on the graph a graphical representation of supply chain data for each of the plurality of members in the first level, such that each member of the first level is located at its corresponding first predetermined

position along the first supply chain data axis and is related via its corresponding first predetermined position along the axis to its corresponding supply chain data in the graph, at least one member in the first level being the parent member having the one or more related child members in the second level and representing an aggregation of supply chain data for the one or more related child members; and

in response to selection of the second level for display of supply chain data with respect to the first supply chain data axis:

display with respect to the first supply chain data axis the one or more members of the second level in the second predetermined manner, each member of the second level being located at its corresponding second predetermined position along the first supply chain data axis and being related via its corresponding second predetermined position along the axis to its corresponding supply chain data in the graph; and

display on the graph a graphical representation of supply chain data for each of the plurality of members in the second level, such that each member of the second level is located at its second predetermined position along the first supply chain data axis and is related via its corresponding second predetermined position along the axis to its corresponding supply chain data in the graph, one or more members in the second level being the one or more related child members of the parent member in the first level and representing a disaggregation of supply chain data for the parent member. (Emphasis Added).

Independent claims 24, 35, and 46 recite similar limitations. Strasnick and Rao either individually or in combination, fail to disclose each and every limitation of independent claims 1, 24, 35, and 46.

For example, Strasnick fails to disclose a graphical user interface coupled to a database and operable to display a graph comprising a plurality of axes, a first supply chain data axis being associated with a first dimension of the supply chain data, the first supply chain data axis comprising one or more predetermined positions along the axis each relating a member at the predetermined position along the axis to corresponding supply chain data in the graph at the predetermined position along the axis, the first dimension for the first supply chain data axis being associated with a first predetermined hierarchical arrangement of supply chain data for the first dimension. Although Strasnick discloses the term "axis" (Column 1, Lines 40-50), Strasnick only uses the term axis to refer to an x axis width and a y axis height of a display or of one or more objects in the display such tat a user may alter the user's perspective of the information landscape.

Thus, Strasnick cannot provide a graphical user interface coupled to a database and operable to display a graph comprising a plurality of axes, a first supply chain data axis being associated with a first dimension of the supply chain data, the first supply chain data axis comprising one or more predetermined positions along the axis each relating a member at the predetermined position along the axis to corresponding supply chain data in the graph at the predetermined position along the axis, the first dimension for the first supply chain data axis being associated with a first predetermined hierarchical arrangement of supply chain data for the first dimension since Strasnick merely describes adjusting the perspective of the information landscape by adjusting the x or horizontal dimension relative to the viewpoint of the user. (Column 16, Lines 33-63).

The Applicants further submit that the Office Action acknowledges that Strasnick fails to disclose the emphasized limitations noted above in claim 13. Specifically the Examiner acknowledges that Strasnick fails to disclose the first supply chain data axis comprising one or more predetermined positions along the axis each relating a member at the predetermined position along the axis, in response to selection of the first level each member of the first level is located at a corresponding first predetermined position along the axis and is related via its corresponding first predetermined position along the axis to its corresponding supply chain data in the graph, and in response to selection of the second level each member of the second level is located at a corresponding second predetermined position along the axis to its corresponding supply chain data in the graph. (05 May 2005 Office Action, Pages 10-11).

The Applicants still further submit that the Examiner acknowledges that Strasnick further fails to disclose in response to selection of the first level for display of supply chain data with respect to the first supply chain data axis: display with respect to the first supply chain data axis the one or more members of the first level in the first predetermined manner, each member of the first level being located at its corresponding first predetermined position along the first supply chain data axis and being related via its corresponding first predetermined position along the axis to its corresponding supply chain in the graph and in response to selection of the second level for display of supply chain data with respect to the first supply chain data axis: display with respect to the first supply

chain data axis the one or more members of the second level in the second predetermined manner, each member of the second level being located at its corresponding second predetermined position along the first supply chain data axis and being related via its corresponding second predetermined position along the axis to its corresponding supply chain data in the graph (05 May 2005 Office Action, Page 11). However, the Examiner asserts that the cited portions of Rao disclose the acknowledged shortcomings in Strasnick. The Applicants respectfully traverse the Examiners assertions regarding the subject matter disclosed in Rao.

For example, Rao fails to disclose a first supply chain data axis comprising one or more predetermined positions along the axis each relating a member at the predetermined position along the axis, in response to selection of the first level each member of the first level is located at a corresponding first predetermined position along the axis and is related via its corresponding first predetermined position along the axis to its corresponding supply chain data in the graph, and in response to selection of the second level each member of the second level is located at a corresponding second predetermined position along the axis to its corresponding supply chain data in the graph. Although Rao discloses a visualization tool for navigating through multidimensional datasets, (Abstract), Rao does not disclose a visualization tool relating a member at a predetermined position along the axis relating to its first predetermined position along the axis to its corresponding supply chain data in the graph. In fact, <u>Rao teaches away</u> from the claimed invention since the visualization tool is based on the dimensional hierarchy associated with the tabular representation of the dimensional data. Thus, the visualization tool of Rao cannot provide for a first supply chain data axis or a second supply chain data axis associated with a first or second level located corresponding to either a first or second predetermined position along the axis that is related to its corresponding supply chain data in the graph.

The Applicants further submit that Rao does not disclose in response to selection of the first level for display of supply chain data with respect to the first supply chain data axis: display with respect to the first supply chain data axis the one or more members of the first level in the first predetermined manner, each member of the first level being

located at its corresponding first predetermined position along the first supply chain data axis and being related via its corresponding first predetermined position along the axis to its corresponding supply chain in the graph and in response to selection of the second level for display of supply chain data with respect to the first supply chain data axis: display with respect to the first supply chain data axis the one or more members of the second level in the second predetermined manner, each member of the second level being located at its corresponding second predetermined position along the first supply chain data axis and being related via its corresponding second predetermined position along the axis to its corresponding supply chain data in the graph. Rao merely discloses a visual presentation of converted portions of a tabular dataset into a first portion of data displayed in a tabular representation and a second portion of data displayed in a tabular representation.

The Applicants respectfully submit that the Examiner appears to have relied on claims 22-25 of Rao. The Applicants respectfully traverse the examiners assertion that claims 22-25 of Rao either individually or in combination, fail to disclose, teach, or suggest each and every element of Applicants claimed invention as recited in claims 13-46.

The Applicants respectfully submit that the Office Action has failed to properly establish a *prima facie* case of obviousness based on the proposed combination of Strasnick or Rao, either individually or in combination. The Office Action has not shown the required teaching, suggestion, or motivation in these references or in knowledge generally available to those of ordinary skill in the art at the time of the invention to combine these references as proposed. The Office Action merely states that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Strasnick to include Rao's data visualization method because Strasnick discloses hierarchy being displayed on a ground plane of the information with respect to the x-axis and y-axis.

The Applicants further submit that these purported advantages relied on by the Examiner of incorporating Rao's data visualization method because Strasnick discloses

hierarchy being displayed on a ground plane of the information with respect to the x-axis and y-axis are nowhere disclosed, taught, or suggested in Strasnick or Rao either individually or in combination. The Applicants respectfully request the Examiner to point to the portions of Strasnick or Rao which contain the teaching, suggestion, or motivation to combine these references for the purpose of incorporating Rao's data visualization method because Strasnick discloses hierarchy being displayed on a ground plane of the information with respect to the x-axis and y-axis. A recent Federal Circuit case makes it crystal clear that, in an obviousness situation, the prior art must disclose each and every element of the claimed invention, and that any motivation to combine or modify the prior art must be based upon a suggestion in the prior art. In re Lee, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002). Conclusory statements regarding common knowledge and common sense are insufficient to support a finding of obviousness. Id. at 1434-35. Thus, the Office Action fails to provide proper motivation for combining the teachings of Strasnick or Rao either individually or in combination.

With respect to dependent claims 14-23, 25-34, and 36-45, claims 14-23 depend from independent claim 1, claims 25-34 depend from independent claim 24, and claims 36-45 depend from independent claim 35. As mentioned above, each of independent claims 1, 24, and 35 are considered patentably distinguishable over the proposed combination of Strasnick and Rao. Thus, dependent claims 14-23, 25-34, and 36-45 are considered to be in condition for allowance for at least the reason of depending from an allowable claim.

For the reasons set forth herein, the Applicants submit that claims 13-46 are not rendered obvious by the proposed combination of Strasnick and Rao. The Applicants further submit that claims 13-46 are in condition for allowance. Thus, the Applicants respectfully request that the rejection of claims 13-46 under 35 U.S.C. § 103(a) be reconsidered and that claims 13-46 be allowed.

THE LEGAL STANDARD FOR OBVIOUSNESS REJECTIONS UNDER 35 U.S.C. § 103:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there <u>must be some suggestion or motivation</u>, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) <u>must teach or suggest all the claim limitations</u>. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and <u>not based on applicant's disclosure</u>. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); M.P.E.P. § 2142. Moreover, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); M.P.E.P. § 2143.03.

With respect to alleged obviousness, there must be something in the prior art as a whole to <u>suggest</u> the desirability, and thus the obviousness, of making the combination. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561 (Fed. Cir. 1986). In fact, the absence of a suggestion to combine is dispositive in an obviousness determination. *Gambro Lundia AB v. Baxter Healthcare Corp.*, 110 F.3d 1573 (Fed. Cir. 1997). The mere fact that the prior art can be combined or modified does not make the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990); M.P.E.P. § 2143.01. The consistent criterion for determining obviousness is whether the prior art would have suggested to one of ordinary skill in the art that the process should be carried out and would have a reasonable likelihood of success, viewed in the light of the prior art. Both the suggestion and the expectation of success must be founded in the prior art, not in the Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991; *In re O'Farrell*, 853 F.2d 894 (Fed. Cir. 1988); M.P.E.P. § 2142.

A recent Federal Circuit case makes it clear that, in an obviousness situation, the prior art must disclose each and every element of the claimed invention, and that any motivation to combine or modify the prior art must be based upon a suggestion in the prior art. *In re Lee*, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002). Conclusory statements regarding common knowledge and common sense are insufficient to support a finding of obviousness. *Id.* at 1434-35.

CONCLUSION:

In view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and early reconsideration and a Notice of Allowance are earnestly solicited.
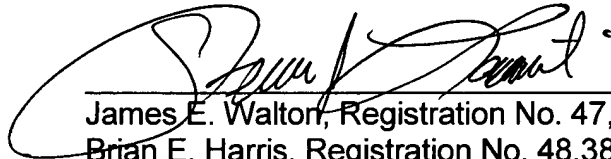
Although Applicants believe no fees are deemed to be necessary; the undersigned hereby authorizes the Commissioner to charge any additional fees which may be required, or credit any overpayments, to **Deposit Account No. 500777.**

Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.

Respectfully submitted,

6/23/05
Date

James E. Walton, Registration No. 47,245
Brian E. Harris, Registration No. 48,383
Steven J. Laureanti, Registration No. 50,274
Daren C. Davis, Registration No. 38,425
Michael Alford, Registration No. 48,707
Law Offices of James E. Walton, P.L.L.C.
1169 N. Burleson Blvd., Suite 107-328
Burleson, Texas 76028
(817) 447-9955 (voice)
(817) 447-9954 (facsimile)
jim@waltonpllc.com (e-mail)

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